

Attorney's Docket No.: 16666-000001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Christopher Lynn Tycho Brown Art Unit : 2188
Serial No. : 10/713,853 Examiner : Kaushikkumar M. Patel
Filed : November 14, 2003 Conf. No. : 2765
Title : ACCESSING A PROTECTED AREA OF A STORAGE DEVICE

Commissioner for Patents
Washington, D.C. 20231

DECLARATION OF CHRISTOPHER LYNN TYCHO BROWN UNDER 37 C.F.R. § 1.132

Dear Sir:

I, Christopher Lynn Tycho Brown, declare as follows:

1. I am the sole inventor of the invention claimed in the above-identified patent application.
2. I am the primary developer of both the ProDiscover® DFT (Disk Forensics Tool) and ProDiscover® for Windows® products.
3. The documentation provided by the U.S. Patent & Trademark Office includes (i) a press release dated April 1st, 2002, which corresponds to the ProDiscover® DFT product version 1.0 (hereinafter ProDiscover® DFT 1.0), (ii) a press release dated September 10th, 2002, which corresponds to a bundled product offering of ProDiscover® DFT and the NoWrite Write Blocker (a bundling of two products at one price; hereinafter the Bundled Product), (iii) a Web order form offering the Bundled Product, (iv) another copy of the press release dated September 10th, 2002, which corresponds to the Bundled Product, and (v) a data sheet for the ProDiscover® for Windows® product, which is different than and was developed after ProDiscover® DFT 1.0.

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4. ProDiscover® DFT 1.0 was released more than one year before the filing of the above-identified patent application. The Bundled Product was released more than one year before the filing of the above-identified patent application. The ProDiscover® for Windows® product was not publicly described, disclosed, used or otherwise made available more than one year before the filing of the above-identified patent application, and the ProDiscover® for Windows® product was not sold, offered for sale or in any way commercialized more than one year before the filing of the above-identified patent application.

5. ProDiscover® DFT 1.0 did not include, and the documentation for ProDiscover® DFT 1.0 does not describe, the invention described and claimed in the above-identified patent application.

6. The Bundled Product did not include, and the documentation for the Bundled Product does not describe, the invention described and claimed in the above-identified patent application.

7. ProDiscover® DFT 1.0 did access and scan a hardware protected area, but did not do so without requiring a reboot and did not employ a kernel-mode software module.

8. ProDiscover® DFT 1.0 did not perform information transfer or employ a packet structure as claimed in the above-identified patent application.

9. The version of ProDiscover® DFT included in the Bundled Product did access and scan a hardware protected area, but did not do so without requiring a reboot and did not employ a kernel-mode software module.

10. The version of ProDiscover® DFT included in the Bundled Product did not perform information transfer or employ a packet structure as claimed in the above-identified patent application.


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11. The first ProDiscover® product to include the invention claimed in the above-identified patent application was not sold, offered for sale or in any way commercialized, or described, disclosed, used or otherwise made available more than one year before the filing of the above-identified patent application.

12. I hereby declare that all statement made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully Submitted

Date: 9/28/06
Christopher Lynn Tycho Brown

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